UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:08CV267-MU-01

CALVIN WILSON	I, JR. ,)	
	Petitioner,)	
)	
V.)	<u>ORDER</u>
)	
LEWIS SMITH,)	
	Respondent.)	
)	

THIS MATTER is before the Court upon the Petitioner's Motion for Permission to Appeal In Forma Pauperis, filed August 12, 2008.

Federal law requires that a petitioner filing a notice of appeal in a civil action pay a filing fee in the amount of four-hundred and fifty-five dollars (\$455.00), plus service fees and other costs. Petitioner's trust fund account statement indicates that he has a current balance of \$283.35. In addition, Petitioner's trust account statement indicates that over the course of the last six months approximately \$1,000.00 has been deposited in his trust account. Based upon this information, the Court determines that Petitioner is able to pay a partial filing fee of one hundred and fifty-five dollars (\$155.00).

IT IS THEREFORE ORDERED that:

- 1. Petitioner's Motion for Permission to Appeal <u>In Forma Pauperis</u> is **GRANTED in part and DENIED in part**; and
- 2. Petitioner must pay a partial filing fee of one hundred and fifty-five dollars (\$ 155.00) within thirty (30) days of the filing of this Order.

PETITIONER IS CAUTIONED THAT FAILURE TO PAY THE PARTIAL FILING FEE MAY SUBJECT HIS APPEAL TO DISMISSAL FOR FAILURE TO PROSECUTE.

The Clerk is further directed to certify a copy of this Order to the Petitioner by **certified mail, return receipt requested**.

Signed: August 13, 2008

Graham C. Mullen

United States District Judge